

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:12-cv-00069-RLV  
(5:00-cr-00047-RLV-8)

RONNIE EDWARD BANNER, JR.,       )  
  )  
                    Petitioner,        )  
  )  
                    v.                        )  
  )  
UNITED STATES OF AMERICA,        )  
  )  
                    Respondent.        )  
\_\_\_\_\_

**ORDER**

**THIS MATTER** is before the Court on consideration of Petitioner's pro se motion for reconsideration of the Order dismissing his § 2255 motion to vacate as untimely. In his § 2255 motion, Petitioner challenged the legality of his sentence citing the Fourth Circuit's en banc opinion in United States v. Simmons, 649 F.3d 237 (4th Cir. 2011). According to the Federal Bureau of Prisons, Petitioner was released from custody on January 16, 2016; therefore the motion for reconsideration will be dismissed as moot.

**IT IS, THEREFORE, ORDERED** that Petitioner's motion for reconsideration is **DISMISSED AS MOOT**. (Doc. No. 4).

Signed: August 2, 2016



Richard L. Voorhees  
United States District Judge

